

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF Trademark Application No. 75/8632	261
for the mark MISCELLANEOUS DESIGN;	
Published in the Official Gazette on December 4, 2001	

AVX Corporation

Opposer,

Opposition No. 150971

SIEMENS AKTIENGESELLSCHAFT CORPORATION

Applicant.

04-29-2002

U.S. Patent & TMOfc/TM Mail Ropt Dt. #70

Assistant Commissioner for Trademarks 22202

Arlington, Virginia

MOTION TO SUSPEND PENDING FILING OF A CORRECTED NOTICE OF OPPOSITION AND THE SERVICE OF COMPLETE COPY OF NOTICE OF OPPOSITION ON APPLICANT

The owner of the subject application, EPCOS AG, hereby moves for suspension of the pending Opposition pending the correction of the Applicant's name, and pending the service of a complete copy of the Notice of Opposition on the Applicant.

"Express Mail" No.: ET537518874US Date of Deposit: April 29, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

MARIE ANNE MASTROVITO

welme (Signature of person mailing paper or fee)

A. APPLICANT HAS BEEN MISIDENTIFIED

The Notice of Opposition identifies the Applicant as Siemens Aktiengesellschaft Corporation (emphasis added). The application has never been owned by an entity with this name. The current record owner of the mark is Siemens Aktiengesellschaft. The mark has been acquired by EPCOS AG, and the new Applicant is submitting the assignment document for recordation.

As Siemens Aktiengesellschaft Corporation misidentifies the Applicant (both past and present), it is requested that this matter be suspended until a corrected Notice of Opposition is filed.

B. TRADEMARK OFFICE HAS PROVIDED THE APPLICANT WITH AN INCOMPLETE COPY OF THE NOTICE OF OPPOSITION

In reviewing the Notice of Opposition, the undersigned has discovered that the Notice of Opposition served by the Trademark Office is incomplete. Initially, the undersigned only noticed that page 3 was missing from the Notice of Opposition, and it has obtained a copy of this page from the Opposer. On further review, she has discovered that page 5 is also missing from the Notice of Opposition. The owner of the mark cannot respond to the Notice of Opposition until it has been provided with a complete copy of the Notice of Opposition as filed with the Trademark Office. Although a complete copy could possible be obtained directly from the Opposer, the undersigned has become concerned that the Board's record may be incomplete, and believes that it is appropriate to respond to the identical document which is of record with the Board.

Thus, it is requested that the Board provide the undersigned with a complete copy of the Notice of Opposition which is currently in the record, as well as a complete copy of any corrected pleading which is filed by the Opposer. If pages are missing from the Board's copy of the Notice of Opposition, it is requested that the Board indicate this on the copy provided.

C. REQUEST FOR SUSPENSION AND RESETTING OF DATES

In view of the misidentification of the Applicant and the incomplete Notice of Opposition

provided to the undersigned, it is requested that the Board suspend the proceeding until a

corrected pleading has been filed and the complete Notice of Opposition has been mailed to the

proper Applicant. It is also requested that the Board reset the dates for filing the Answer and

the discovery and trial periods at that time.

In the alternative, if this Motion is denied the undersigned requests that the Board reset

the time for filing an Answer to the Notice of Opposition, to allow Opposer sufficient time to

respond to the partial Notice of Opposition which it received.

Respectfully submitted,

LAWRENCE E. ABELMAN

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Date: April 29, 2002

LEA/MAM:rd

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO SUSPEND PENDING FILING OF A CORRECTED NOTICE OF OPPOSITION AND THE SERVICE OF COMPLETE COPY OF NOTICE OF OPPOSITION ON APPLICANT was served by first class mail, postage prepaid, this 29th day of April, 2002 upon Opposer:

James M. Bagarazzi
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P.O. Box 1449
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